

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1462

Introduced by Assembly Member Adams

February 23, 2007

An act to ~~amend Section 11462.02 of~~ *add Section 11402.6 to the* Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1462, as amended, Adams. ~~AFDC-FC payments: for-profit foster care facilities:~~ *child care institutions.*

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers, including group homes, on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with money from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs.

Existing law designates the various placements which may be made for a child eligible for AFDC-FC benefits, including a licensed group home. Existing law defines a group home for purposes of the AFDC-FC program as a nondetention privately operated residential home, organized and operated on a nonprofit basis only, of any capacity, that provides services in a group setting to children in need of care and supervision.

Existing law requires foster care providers licensed as group homes to have rates established by the State Department of Social Services only if the group home is organized and operated on a nonprofit basis, except as specified.

~~This bill, notwithstanding existing law, would require the department to establish a rate for a for-profit foster care facility licensed as a group home that is approved by the regional center payment of AFDC-FC benefits for certain children with special behavioral or medical needs who are placed in a for-profit child care institution, as defined, and for which whom the county placing agency demonstrates that there are no alternative placement resources options.~~

This bill would require the county placing agency to review and report to the juvenile court at the 6-month case plan update regarding the continuing appropriateness of a child's placement under the bill. The bill would be effective only during a federal fiscal year for which the department determines that no restriction on federal matching AFDC-FC payment exists. The bill would specify the conditions under which federal financial participation would be provided to children eligible under the bill.

Because it would increase the duties of counties administering the AFDC-FC program, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11402.6 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 11402.6. (a) The federal government has provided the state
- 4 with the option of including in its state plan children placed in a
- 5 private facility operated on a for-profit basis.
- 6 (b) For children for whom the county placing agency has
- 7 exhausted all other placement options, notwithstanding subdivision
- 8 (h) of Section 11400 and subject to Section 15200.5, a child who
- 9 is otherwise eligible for federal financial participation in the

1 *AFDC-FC payment shall be eligible for aid under this chapter*
2 *when the child is placed in a for-profit child care institution and*
3 *meets all of the following criteria, which shall be clearly*
4 *documented in the county welfare department case file:*

5 *(1) The child has extraordinary and unusual special behavioral*
6 *or medical needs that make the child difficult to place, including,*
7 *but not limited to, being medically fragile, brittle diabetic, having*
8 *severe head injuries, a dual diagnosis of mental illness and*
9 *substance abuse or a dual diagnosis of developmental delay and*
10 *mental illness.*

11 *(2) No other comparable private nonprofit facility or public*
12 *licensed residential care home exists in the state that is willing to*
13 *accept placement and is capable of meeting the child's*
14 *extraordinary special needs.*

15 *(3) The county placing agency has demonstrated that no other*
16 *alternate placement option exists for the child.*

17 *(c) Federal financial participation shall be provided pursuant*
18 *to Section 11402 for children described in subdivision (a) subject*
19 *to all of the following conditions, which shall be clearly*
20 *documented in the county welfare department case file.*

21 *(1) The county placing agency enters into a performance based*
22 *placement agreement with the for profit facility to ensure the*
23 *facility is providing services to improve the safety, permanency,*
24 *and well-being outcomes of the placed children pursuant to Section*
25 *10601.2.*

26 *(2) The county placing agency will require the facility to ensure*
27 *placement in the child's community to the degree possible to*
28 *enhance ongoing connections with the child's family and to*
29 *promote the establishment of life long connections with committed*
30 *adults.*

31 *(3) The county placing agency monitors and reviews the*
32 *facility's outcome performance indicators every six months.*

33 *(4) In no event shall federal financial participation in this*
34 *placement exceed a 12-month period.*

35 *(5) Payments made under this section shall not be made on*
36 *behalf of any more than five children in a county at any one time.*

37 *(d) This section shall be implemented only during a federal*
38 *fiscal year in which the department determines that no restriction*
39 *on federal matching AFDC-FC payment exists.*

1 (e) As used in this section, “child care institution” means a
2 nondetention facility that has been licensed in accordance with
3 the California Community Care Facilities Act, Chapter 3
4 (commencing with Section 1500) of Division 2 of the Health and
5 Safety Code, and that has a licensed capacity not exceeding 25
6 children.

7 (f) The county placing agency shall review and report to the
8 juvenile court at every six-month case plan update if this placement
9 remains appropriate and necessary and what the plan is for
10 discharge to a less restrictive placement.

11 SEC. 2. If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.

16 SECTION 1. ~~Section 11462.02 of the Welfare and Institutions~~
17 ~~Code is amended to read:~~

18 ~~11462.02. (a) Notwithstanding paragraph (2) of subdivision~~
19 ~~(a) of Section 11462, a foster care provider licensed as a group~~
20 ~~home may also have a rate established if the group home is~~
21 ~~operated by the County of San Mateo, as provided by subdivision~~
22 ~~(h) of Section 11400.~~

23 ~~(b) Notwithstanding paragraph (2) of subdivision (a) of Section~~
24 ~~11462, a for-profit foster care facility licensed as a group home~~
25 ~~shall have a rate established if both of the following conditions~~
26 ~~are met:~~

27 ~~(1) The facility is approved by the regional center.~~

28 ~~(2) The county placing agency demonstrates that there are no~~
29 ~~alternative placement resources.~~